



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

FEB 28 2014

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article number: 7005 3110 0000 5966 5879

Kathleen Schibanoff, CEO
Olivet Management LLC
73 Wheeler Road
Wingdale, NY

Re: **Notice of Violation**
Olivet Management LLC - EPA ID No. NYD 060 550 779

Dear Mr. Schibanoff:

This Notice of Violation is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. §§ 6901, 6928.

Pursuant to RCRA, as amended by HSWA, the U.S. Environmental Protection Agency (EPA) promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 C.F.R. Parts 260-272. For the purposes of this Notice of Violation, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

The State of New York is authorized by EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926 and is authorized to enforce RCRA. EPA has retained its authority to enforce the hazardous waste rules and regulations in the State of New York.

On or about December 19, 2013, a duly authorized representative of EPA conducted a compliance evaluation inspection of the former site of the Harlem Valley Psychiatric Center, owned and operated by Olivet Management LLC, located in Wingdale, New York, pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927.

At the time of the inspection the following violations were observed:

1. Failure to make a determination as to whether or not a solid waste is a hazardous waste, in violation of 40 C.F.R. § 262.11 (6 NYCRR § 372.2(a)(2)).

It was determined from observations and from statements made by you during the inspection that, as part of clean-up activities in preparation for an "alumni" event held in late October 2013, wall

and floor sweepings were removed from several buildings and either deposited in roll off containers or were taken off-site by local workers without determining whether or not those sweepings were a hazardous waste. This waste contained a significant amount of old lead paint chips which may have caused the entire mixture to be classifiable as hazardous waste for toxicity of lead.

Be advised that the EPA requires adherence to its regulations. If you have not already done so, you must take immediate action to correct the violations described above. Please submit, within thirty (30) calendar days of the receipt of this correspondence, a response which may include: (1) a rebuttal of the noted violations; or (2) a description of the actions you will or have taken to assure that these violations will not re-occur.

Requests for additional time to provide a response must be justified and must be made before the due date specified in the terms of this Notice of Violation. The response must be signed by a responsible official or agent of your company.

Please submit your response to this Notice of Violation to:

Mr. Ronald Voelkel
Environmental Scientist
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency- Region 2
290 Broadway, 21st Floor
New York, NY 10007-1866

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law, including but not limited to a potential enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. 6928. Please also note that all information you provide may be used in an administrative, civil judicial, or criminal action. This information request is not subject to the requirements of the Paperwork Reduction Act (PRA) as amended, 44 U.S.C. § 3501 et seq.

You may, if you so desire, assert a business confidentiality claim covering all or part of the information contained in your response. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "confidential". The claim should set forth the information requested in 40 Code of Federal Regulations (hereinafter 40 C.F.R.) Section 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, assess the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. If you contend that some or all of the submitted information is entitled to confidential treatment, specify which portions of the information you consider confidential. For each item or class of information that you identify as

being subject to your claim of confidentiality, please answer the questions in Attachment I, giving as much detail as possible.

If you have any questions regarding this matter, please contact Mr. Ronald Voelkel at (212) 637-1470 or voelkel.ronald@epa.gov.

Sincerely yours,



Leonard Voo, Chief
RCRA Compliance Branch

Enclosure

cc: Russ Brauksieck, Chief (w/ attachment)
Hazardous Waste Compliance Section
New York State Department of Environmental Conservation

Attachment I

Substantiation of Confidential Business Information Claim

For each item or class of information that you assert a business confidentiality claim please answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. The reasons the information you claim as confidential should be protected for the time period specified in your answer to Question 1, immediately above.
3. What measures has your business taken to guard against undesired disclosure of the information claimed as confidential? Have you disclosed the information to others? If so, what precautions were taken in connection therewith? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has EPA or any other governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to result in substantial harmful effects to the business's competitive position (i.e., how could your competitors make use of this information to your detriment?). Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects.
7. Do you assert that the information is voluntary submitted information as defined in 40 C.F.R. Section 2.201(i)? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Please also provide any other information you deem relevant.

